

## **REMARKS/ARGUMENTS**

### **Objections to the Drawing Figures**

The United States Patent and Trademark Office has objected to the drawing figures under 37 CFR 1.83(a) as not showing a plurality of individual light sources.

### **Response to the Objection to the Drawing Figures**

Figure 3 in the application as filed shows an individual light source **100**. Figure 3 is an exploded view of the fixture **10**. Figure 1 shows a plurality of fixtures in a ceiling. One of ordinary skill in the art would put Figure 1 and Figure 3 together to understand that multiple fixtures, each containing an individual light source **100**, would be used for illumination of a long wall in a large room.

### **The First 35 U.S.C. 102 Novelty Rejection**

Claims 1, 3-7, and 9-10 have been rejected under 35 U.S.C. 102(e) as being anticipated by Rippel et al. (USPN 6,632, 006).

### **35 U.S.C. 132 Rationale**

In the opinion of the United States Patent and Trademark Office, regarding claim 1, Rippel et al. discloses a mounting for a light source (6), the mounting constructed and arranged to position the light source near the plane of a ceiling (20) or a floor adjoining the wall and to direct the light emitted from the light source at an acute angle (claims 6 and 17) to a plane perpendicular to the plane of the ceiling (20) or the floor and away from the wall, an arcuate kick reflector (columns 4, lines 25-55) constructed and

arranged to reflect the light emitted from the light source and direct the light emitted from the light source toward the wall, whereby the combination of the mounting of the light source and the reflection of the arcuate kick reflector provides substantially uniform illumination of the wall (column 3, lines 1-10).

Regarding claims 3 and 9, Rippel et al. discloses the kick reflector (columns 4, lines 25-55) includes a reflective surface constructed and arranged to diffuse the light emitted by the light source,

Regarding claims 4 and 10, Rippel et al. discloses a light-diffusing lens (66) between the light source and the kick reflector.

Regarding claim 5, Rippel et al. discloses a trim ring assembly connected to the adjustable mounting (column 5, lines 15-25).

Regarding claim 6, Rippel et al. discloses a housing (40) connected to the trim ring (41) assembly.

Regarding claim 7, Rippel et al. discloses a trim ring assembly, a housing (40) connected to the trim ring (41, 42) assembly, the housing constructed and arranged to provide a mounting for a light source (6), a light source positioning ring connected to the trim ring and positioned within the housing, the light source mounting ring including a mounting surface positioned in a plane which is at an acute angle (claims 6 and 17) with respect to the plane of the trim ring to direct the light emitted from the light source away from the wall, a substantially arcuate kick reflector constructed and arranged to be positioned within the light source positioning ring to direct the light rays emitted from the

light source toward the wall, whereby substantially uniform illumination of an area on a wall is provided (column 3, lines 1-10).

### **Response to the First Novelty Rejection**

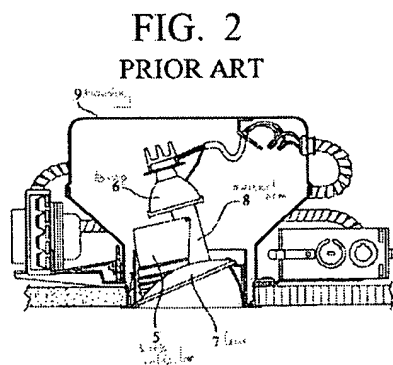
A close reading of the Rippel et al. '006 reference reveals that:

...the reflective surface of the side wall 44 cooperates with the off axis location of the lamp 52 to operate as a kick reflector 45 to kick a portion of the light emitted outward from the fixture at a high angle to illuminate a nearby wall close to the ceiling line.

Col. 4, lines 32-36 (Emphasis added)

Two key differences must be noted between the teachings of the Rippel et al. '006 reference and the instant invention. First, the lamp used in the fixture disclosed in the instant application is not "off-axis" in the way the lamp 52 is "off-axis" in the Rippel et al. '006 reference. Second, the Rippel et al. '006 reference does not include a separate kick reflector; rather, a shiny interior wall surface acts as a kick reflector.

A better understanding of why the Rippel et al. '006 reference teaches away from the fixture disclosed in the instant application may be had from an understanding of Figures 2 and 6 from the Rippel et al. '006 reference.

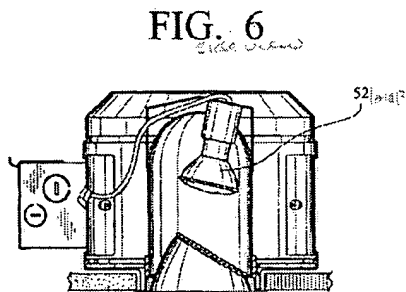


As may be seen in Figure 2 and in the following explanation of Figure 2:

...the wall wash effect requires light from the lamp to be directed downwardly and outwardly in the direction of the wall.

Col. 1, lines 24-26

Thus, the wall is to the right of the Figure 2; that is, in the direction generally of the emitted light.



While Figure 6 is not explained in any great detail other than being “another embodiment” in Col. 3, lines 39-40, the orientation of the lens (un-numbered) is approximately perpendicular to the center line of the light source as shown in Figure 6. Thus, in Figure 6, the wall must be to the left of the fixture; that is, generally in the direction of the emitted light.

In the preferred embodiment of the Rippel et al. '006 reference shown in Figure 3, the emitted light rays travel straight down.

In each independent claim in the instant application it is indicated that the emitted light is directed away from the wall. Nothing in the Rippel et al. '006 reference

recognizes that the emitted light from the light source can be actually directed away from the wall to be illuminated -- not towards the wall to be illuminated.

### **The Second Novelty Rejection**

Claims 1, 3, 5-7 and 9 have been rejected under 35 U.S.C. 102(e) as being anticipated by Ng et al. (USPN 6, 350, 047).

### **35 U.S.C. Rationale**

In the opinion of the United States Patent and Trademark Office regarding claim 1, Ng et al. discloses a mounting for light source (46), the mounting constructed and arranged to position the light source (46) near the plane of a ceiling (25, 26) or a floor adjoining the wall and to direct the light emitted from the light source (46) at an acute angle (Figure 5) to a plane perpendicular to the plane of the ceiling or the floor and away from the wall, an arcuate kick (Figure 4a) reflector constructed and arranged to reflect the light emitted from the light source (46) and direct the light emitted from the light source toward the wall, whereby the combination of the mounting of the light source (46) and the reflection of the arcuate kick reflector (Figure 4a) provides substantially uniform illumination of the wall.

Regarding claims 3 and 9, Ng et al. discloses the kick reflector (Figure 4a) includes a reflective source constructed and arranged to diffuse the light emitted by the light source.

Regarding claim 5, Ng et al. discloses a trim ring assembly connected to the adjustable mounting (Figures 7A-7C).

Regarding claim 5, Ng et al. discloses a housing (10) connected to the trim ring (22) assembly.

Regarding claim 7, Ng et al. discloses a trim ring assembly, a housing (34) connected to the trim ring (22) assembly, the housing constructed and arranged to provide a mounting for a light source (46), a light source (46) positioning ring connected to the trim ring (22) and positioned within the housing (34), the light source (46) mounting ring including a mounting surface positioned in a plane which is at an acute angle (Figure 4a) with respect to the plane of the trim ring to direct the light emitted from the light source away from the wall, a substantially arcuate kick reflector (Figure 4a) constructed and arranged to be positioned within the light source (46) positioning ring to direct the light rays emitted from the light source (46) toward the wall, whereby substantially uniform illumination of an area on a wall is provided.

### **Response to the Second Novelty Rejection**

While the U.S. Patent and Trademark Office is correct concerning the construction of the fixture described in the Ng et al. reference, not mentioned is the difference in the light source. As shown in Figure 3 of the Ng et al. reference, the light source 46 is a compact fluorescent bulb. A compact fluorescent light source emits light rays in many direction and is distinctly different from a light source within an internal reflector such as an MR-16 lamp. An MR-16 lamp emits lights in a direction substantially orthogonal to the internal reflector.

As the claims have now been amended to indicate that the light source includes an internal reflective surface, the claims have now been distinguished over the Ng et al. reference and are now in a condition for allowance.

### **The First Obviousness Rejection**

Claims 2, 8 and 11-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rippel et al. (USPN 6,632,006).

### **35 U.S.C. 132 Rationale**

In the opinion of the U.S. Patent and Trademark Office regarding claims 2 and 8, Rippel et al discloses a kick reflector 45 to kick a portion of the light emitted outward from the fixture at an angle to a nearby wall close to the ceiling,

Rippel et al. failed to disclose the specifics of the acute angle is about 1 degree to about 5 degrees.

The U.S. Patent and Trademark Office has opined that it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify workable ranges of the acute angle to illuminate the nearby wall from the ceiling, where the distance of the light from the wall would most likely determine the correct acute angle for the uniform illumination of the wall, and since it has been held that where the general conditions of a claim are disclosed in prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding claims 11-17, Rippel et al. discloses the structural limitations of the applicant's claimed invention explained above.

The U.S. Patent and Trademark Office has opined that it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify or claim of a use of a light fixture where Rippel et al. clearly provides the claimed structure that would perform the same.

It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure.

Regarding claims 18-20, Rippel et al. discloses a light source (6), a light fixtures, an adjustable mounting for positioning the individual light source at an acute angle (claims 6 and 17) with respect to a plane perpendicular to either the ceiling (20) or the floor adjoining the wall to direct the light from the light source away from the wall, a housing for positioning the adjustable mounting, a trim ring assembly connected to the housing, a substantially arcuate kick reflector (column 4, lines 25-55) for directing light emitted from the light source to the wall, whereby the combination of the positioning of the light source and the substantially arcuate kick reflector (column 4, lines 25-55) within the plurality of individual mounted light fixtures provides a substantially uniform level of illumination on the wall, a substantially arcuate kick reflector (column 4, lines 25-55) positioned within the housing to reflect light from the light source toward a wall, the substantially arcuate kick reflector (column 4, lines 25-55) including a curved planar interior reflecting surface, the substantially arcuate shape of the kick reflector (column 4, lines 25-55) is selected from a group including, substantially circular, substantially elliptical, and substantially oval.



Rippel et al. discloses the claimed invention except the prior art does not clearly show a plurality of individual light fixtures.

The U.S. Patent and Trademark Office has opined that it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the plurality of light fixtures of Rippel et al. to the ceiling for even greater illumination throughout the room or the wall, since it has been held that mere duplication of the essential working parts of the device involves only the routine skill in the art.

### **Response to the First Obviousness Rejection**

As indicated in the response to the First Novelty Rejection, the Ripple et al. reference teaches away from positioning the light source in a direction away from the wall to be illuminated.

### **The Second Obviousness Rejection**

Claims 2, , 11-15 and 17-20 have been rejected under 35 U.S.C. 103(a) has being unpatentable over Ng et al. (USPN 6,350,047).

### **35 U.S.C. 132**

In the opinion of The U.S. Patent and Trademark Office regarding claim 2 and 8, Ng et al. discloses a kick reflector portion of the light emitted outward from the fixtures at an angle to illuminate a nearby wall close to the ceiling.

Ng et al. failed to disclose the specifics of the acute angle is about 1 degree to about 5 degrees.

The U.S. Patent and Trademark Office has opined that it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify workable ranges of the acute angle to illuminate the nearby wall from the ceiling, where the distance of the light from the wall would most likely determine the correct acute angle for the uniform illumination of the wall, and since it has been held that where the general conditions of a claim are disclosed in prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Regarding claims 11-15 and 17, Ng et al. discloses the structural limitations of the applicant's claimed invention, explained above.

The U.S. Patent and Trademark Office has opined that it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify or claim of a use of a light fixture where Ripple et al. clearly provides the claimed structure that would perform the same.

It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure.

Regarding claims 18-20, Ng et al. discloses a light source (46) a light fixture, an adjustable mounting for positioning the individual light source at an acute angle (Figure 5) with respect to a plane perpendicular to either the ceiling or the floor adjoining the wall to direct the light from the light source away from the wall, a housing for positioning the adjustable mounting, a trim ring (22) assembly connected to the housing, a substantially arcuate kick reflector (Figure 4a) for directing light emitted from the light

source to the wall, whereby the combination of the positioning of the light source and the substantially arcuate kick reflector (Figure 4a) within the plurality of individual mounted light fixtures provides a substantially uniform level of illumination on the wall, a substantially arcuate kick reflector (Figure 4a) positioned within the housing to reflect light from the light source (46) toward a wall, the substantially arcuate kick reflector (Figure 4a) including a curved planar interior reflecting surface, the substantially arcuate shape of the kick reflector (Figure 4a) is selected from a group including substantially circular, substantially elliptical, and substantially oval.

Ng et al. discloses the claimed invention except the prior art does not clearly show a plurality of individual light fixtures.

The U.S. Patent and Trademark Office has opined that it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the plurality of light fixtures of Ng et al. to the ceiling for even greater illumination throughout the room or the wall, since it has been held that mere duplication of the essential working parts of the device involves only routine skill in the art.

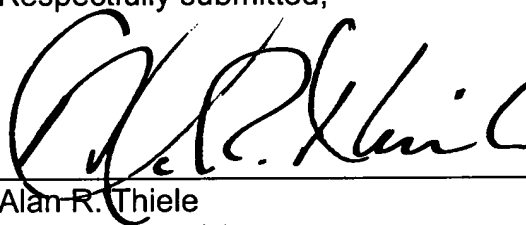
### **Response to the Second Obviousness Rejection**

As indicated in the Response to the First Novelty Rejection, the Ng et al. reference is a fixture designed for use with a compact fluorescent lamp. The fixture disclosed in the instant application is not designed for use with a compact fluorescent lamp. Rather, it is designed for use with a light source including an internal reflector.

**Closing**

As the pending claims have now been amended to distinguish the disclosed invention from the cited references, the claims are now in a condition for allowance. Such action, upon reconsideration by the United States Patent and Trademark Office, is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. R. Thiele", written over a horizontal line.

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### **Amendment to the Drawings**

The attached sheet of drawings includes changes to Figure 3. This sheet, which includes Figure 3, replaces the original sheet including Figure 3. In Figure 2, reference number **101** depicting the internal reflective surface of the light source **100** has been added. In addition, reference number **10** has been added to demonstrate a link between Figure 1 and Figure 3.

Attachments:

Replacement Sheet  
Annotated Sheet Showing Changes

Annotated Sheet

FIG. 3

